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Economic and Social Council

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Distr.
GENERAL

E/CN.4/1996/NGO/22
26 March 1996

ENGLISH AND FRENCH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 3 of the provisional agenda

ORGANIZATION OF THE WORK OF THE SESSION

Joint written statement submitted by the International Abolitionist Federation, International Alliance of Women - Equal Rights, Equal Responsibilities, International Council of Women, Women's International Democratic Federation, World Federation of Trade Unions, World Federation of United Nations Associations, World Veterans Federation and Zonta International non-governmental organizations in consultative status (category I), the African Association of Education for Development, Education International, General Arab Women Federation, International Association of Democratic Lawyers, International Council of Jewish Women, International Federation of Resistance Movements, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, Lutheran World Federation, Pax Romana, Socialist International Women, Women's International League for Peace and Freedom, Women's International Zionist Organization, Women's World Summit Foundation, World Alliance of YMCAs, World Association of Girl Guides and Girl Scouts, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Union of Catholic Women's Organization non-governmental organizations in consultative status (category II), the International Movement against All Forms of Discrimination and Racism and the Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 March 1996]

GE.96-11844 (E)

1. The signatory organizations express their concern at the failure of the United Nations Commission on Human Rights to reflect the impact of world changes on the pattern of human rights situations in all regions.

2. They accordingly welcome the efforts of the Chairman of the fiftieth session of the Commission to remedy this situation and to institute reforms in the working methods of the Commission and his proposal at the fiftieth session to constitute an open-ended working group to consider specific proposals to this end.

3. In particular, the Chairman's proposal for the adoption of a reordered agenda to deal with such new situations and developments is considered by the NGO community as being particularly constructive. Hitherto, a rigid formula of annually and automatically repeated priorities for discussion of the same situations dealt with in agenda items over several years, without regard to changes and the concomitant development of new situations of massive violations and denial of human rights amounting in some instances to crimes against humanity, has resulted in the overcrowding of the Commission's outdated agenda which does not adequately deal with these new and urgent human rights crises.

4. The main thrust of the proposal of the Chairman of the fiftieth session was to present for adoption a thematic reordering rather than a revision of the Commission's agenda, which would thereby become less cumbersome and more appropriately reflect current realities.

5. The signatory NGOs endorse the desirability of acceptance of this proposal and welcome it as a positive step whose effect could contribute to a significant reduction of the number of the Commission's agenda items without affecting its ability to deal with questions of substance as they arise.

6. Consideration of this proposal does not of course exclude addressing other proposals for reform and rationalization of its work.

7. In the light of the foregoing, the signatory NGOs wish to express their keen sense of disappointment and consternation at the failure of the open-ended working group convened pursuant to the Commission's decision 1994/111 to reach any consensus on the reclustering of the Commission's agenda for the fifty-first session as contained in annex I to E/CN.4/1994/127. This is all the more regrettable given the fact that the Chairman's proposal contained in document E/CN.4/1994/127, annex I, was examined at the Commission's plenary meeting on 22 February 1994 and that the Chairman met with the representatives of the regional groups and then incorporated the changes contained in annex II to this document to take account of these consultations.

8. The open-ended working group was also unable to reach any consensus on organizational matters relating to these proposals for the restructuring of the Commission's agenda, including the organization of work and the documentation connected therewith.

9. The NGOs signatories to this statement believe that the absence of political will to achieve a consensus and to implement these recommendations, which it is believed a significant majority of member and observer States

desire to see implemented, seriously affects the credibility of the Commission on Human Rights and redounds to its discredit. NGOs which participated in these discussions were particularly distressed to note the intransigence of certain States' representatives whose complete absence of a spirit of compromise rendered a positive outcome impossible to achieve.

10. In consequence, the fifty-first session of the Commission had to contend with the same overcrowded and outdated agenda as in previous years. The consequent disadvantages which this imposed on the fifty-first session were self-evident and are reflected in its draft decision 43 (E/1995/23-E/CN.4/1995/176, chap. I.B) under which the Commission foresees that the Economic and Social Council would be required to authorize 40 fully serviced additional meetings to cope with the draft agenda for the fifty-second session.

11. Accordingly, the NGOs signatories to this statement recommends urgently to the Chairman of the fifty-second session of the Commission to take the following steps:

(a) To reconvene the open-ended working group previously convened under decision 1994/111 with the same agenda, namely:

(i) The reclustering of the Commission's agenda, with a view to proposing a provisional agenda for the fifty-third session;

(ii) Organizational matters related to the above, including the organization of the work and documentation;

(iii) A preliminary inventory of other reforms based on the annex to the Report of the Chairman of the working group, convened pursuant to Commission on Human Rights decision 1994/111 (E/CN.4/1995/17);

(b) To abandon as impracticable, in the light of past experience, conducting proceedings on the basis of consensus and instead, where consensus cannot be achieved, to reach decisions on the basis of a two-thirds or simple majority vote;

(c) Without prejudice to the recommendation contained in (a) (i) above, to give of necessity priority over all other substantive agenda items to those items which have been dealt with by special sessions of the Commission meeting exceptionally between its regular sessions under its resolution 1993/96 of 11 March 1993 and Economic and Social Council resolution 1990/48 of 25 May 1990.

12. The signatory NGOs express the hope that the Commission will seize the importance of implementing these proposed reforms at this critical juncture and at a time when it will be taking the innovative step of meeting in regular session on a rescheduled one-year trial basis from 18 March to 26 April 1996.

13. They are confident that the NGO community as a whole will lend its best efforts to cooperation with the Commission on Human Rights in so far as it is involved in achieving the implementation of these reforms.

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COMMISSION ON HUMAN RIGHTS
Fifty-second session
Item 15 of the provisional agenda

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SEVENTH SESSION

Joint written statement submitted by the International Abolitionist Federation, International Alliance of Women - Equal Rights, Equal Responsibilities, International Council of Women, Women's International Democratic Federation, World Federation of Trade Unions, World Federation of United Nations Associations, World Veterans Federation and Zonta International, non-governmental organizations in consultative status (category I), the African Association of Education for Development, Baha'i International, Community Coordinating Board of Jewish Organizations, Education International, General Arab Women Federation, International Association of Democratic Lawyers, International Council of Jewish Women, International Federation of Resistance Movements, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, Lutheran World Federation, Pax Romana, Socialist International Women, Women's International League for Peace and Freedom, Women's International Zionist Organization, Women's World Summit Foundation, World Alliance of YMCAs, World Association of Girl Guides and Girl Scouts, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Union of Catholic Women's Organizations and World Vision International, non-governmental organizations in consultative status (category II), the International Movement against All Forms of Racism and Racial Discrimination and the Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[6 March 1996]

GE.96-11846 (E)

1. The signatory NGOs note with great concern that suggestions have been mooted and a specific proposal made to the United Nations Economic and Social Council, that the Sub-Commission on Prevention of Discrimination and Protection of Minorities no longer be convened on an annual basis but that instead it meet biennially.

2. This is not the first time that the role of the Sub-Commission and the frequency of its meetings have been called into question. Almost 10 years ago, the Sub-Commission's thirty-ninth session was suspended or "postponed" in 1986 owing to the financial crisis of the United Nations, together with significant cuts in sessions allocated to other human rights bodies.

3. In response, a seminar on Human Rights in the United Nations was convened by the Special Committee of International Non-Governmental Organizations on Human Rights (Geneva) whose participants included a majority of the then members of the Sub-Commission.

4. The seminar noted, inter alia, that human rights is a priority mandated by the Charter and decisions as to the best method of implementing that mandate should be made on the basis of programme effectiveness and not solely on the basis of cost. The view was expressed that the interruption of the essential work of the Sub-Commission constituted a serious threat to one of the most productive and innovative sources of human rights action in the United Nations system and represented a serious blow to the cause of human rights.

5. At a follow-up meeting to reflect on the future of the Sub-Commission held at the University of Limburg in December 1997, the Sub-Commission's function was seen as primarily to serve as a "think-tank" of independent experts with a broad mandate to contribute to the development of a partnership between the Commission on Human Rights, itself, the Secretariat and the NGO community.

6. The Sub-Commission has been more particularly engaged in this context in the following areas:

(a) The conduct of research and studies;

(b) Standard-setting in coordination with the Commission on Human Rights;

(c) Thematic inquiries into problem areas, such as slavery-like and exploitative practices, and states of emergency;

(d) Elaboration of human rights principles and guidelines;

(e) Devising more effective responses to violations of human rights;

(f) Protection of indigenous peoples and other vulnerable groups.

7. Considerable progress has been achieved in recent years in clarifying the relationship between the Commission on Human Rights and the Sub-Commission, notably pursuant to Commission on Human Rights resolution 1991/56.

8. Systematic review of the methods of work of the Sub-Commission by successive sessional and inter-sessional working groups of its members, and in particular under resolution 1992/66 of the Commission, has likewise enabled significant advances to be recorded with respect to the following major issues:

(a) Rationalization of the methods of work of the Sub-Commission;

(b) Restructuring of its agenda initiated primarily by a group of 29 non-governmental organizations (see document E/CN.4/Sub.2/1991/NGO/21);

(c) Improvement of the coordination with the Commission on Human Rights and other competent human rights bodies and in particular with the Committee on the Elimination of Racial Discrimination supervising the International Convention on the Elimination of All Forms of Racial Discrimination;

(d) Strengthening the independence of the Sub-Commission's experts.

9. Indeed, a unique role may be emerging for the Sub-Commission as the body of independent experts whose broad mandate could embrace a coordinating and research role in association with the Centre for Human Rights, for the Commission, the treaty bodies as appropriate (notably CERD and the Human Rights Committee supervising the International Covenant on Civil and Political Rights). In this connection, the Sub-Commission could be expected to assume an increasingly important coordinating role with respect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the instruments being developed in this field by the Council of Europe and the Organization for Security and Cooperation in Europe.

10. Accordingly, the NGOs signatories to this written declaration urge the fifty-second session of the Commission on Human Rights to reaffirm the importance of the Sub-Commission's role as an integral part of the United Nations human rights programme and to recommend to the Economic and Social Council that the Sub-Commission continue to play its essential part in the promotion and protection of human rights at its regularly held annual session.